

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/707,366
Filing Date: December 9, 2003
Applicant(s): Kenneth Boyd
Group Art Unit: 2128
Examiner: Hugh M. Jones
Title: Method and Apparatus for Controlling a
Vehicle Computer Model with Understeer
Attorney Docket No. 81092490 (36190-38)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Applicants request review of the final rejection in the above-identified application.

No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheets. No more than five (5) pages are provided.

I am the attorney or agent of record.

Respectfully submitted,

Dickinson Wright PLLC
Attorneys for Applicant(s)

Date: November 20, 2007

By: Angela M. Brunetti
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AMB/KH

PATENT

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PRE-APPEAL BRIEF

Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This pre-appeal brief is being filed concurrently with a Notice of Appeal and review of the pre-appeal brief is respectfully requested. Applicants believe there are no fees due for this document, however, if any fees are due, the Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 06-1510.

REMARKS

The issues are:

- 1) Whether claims 1-9 are indefinite under 35 U.S.C. §112;
- 2) Whether claims 1, 3, 4, 8-10, 12-13 and 17-18 are anticipated under 35 U.S.C. §102 as being anticipated by Rossetter;
- 3) Whether claims 2, 5-7, 11 and 14-16 are obvious under 35 U.S.C. §103 as being unpatentable over Rossetter in view of O'Brien; and
- 4) Whether claim 19 is obvious under 35 U.S.C. §103 as being unpatentable over Rossetter in view of Chen.

Appellants assert that the Examiner has improperly rejected the claims under 35 U.S.C. §112 because of a factual error. Independent claim 1 was amended in order to clarify the initial and first steering wheel angle inputs as requested by the Examiner. However, the Examiner maintained the rejection of all the claims as they were rejected in the final rejection. Appellants assert that claim 1 is no longer indefinite and the rejection of claims 1-9 under 35 U.S.C. §112 should be withdrawn.

Appellants assert that the Examiner has improperly rejected the claims under 35 U.S.C. §102 because of a factual error. Independent claim 1 requires "determination of an initial steering wheel input". The Rossetter reference discloses "setting initial inputs to zero". Appellants assert that "settting" initial inputs to zero is not, in fact, equivalent to "determining an initial steering wheel input" as claimed by the Appellants in the present invention. It is further asserted that determination of an initial steering wheel angle according to the claims of the present invention is significantly different that "setting an initial input to zero" as the

determination according to the present invention may or may not result in an initial steering wheel angle that is zero. According to the disclosure in Rossetter, all initial inputs are set to zero, see page 8.

It is respectfully asserted that because Rossetter fails to teach or disclose determination of an initial steering wheel angle input as claimed in the present invention, even if the Rossetter reference were to be combined with O'Brien or Chen, their combination would not result in the Appellant's invention.

Reversal of the rejections and a formal Notice of Allowance are respectfully requested.

Respectfully submitted,

Dickinson Wright PLLC
Attorneys for Applicant(s)

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